



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

REDEVELOPMENT AGENCY	COUNCIL MEMBERS
Dennis Kennedy, Chairperson	Dennis Kennedy, Mayor
Mark Grzan, Vice-Chairperson	Mark Grzan, Mayor Pro Tempore
Larry Carr, Agency Member	Larry Carr, Council Member
Greg Sellers, Agency Member	Greg Sellers, Council Member
Steve Tate, Agency Member	Steve Tate, Council Member

WEDNESDAY, MARCH 22, 2006

AGENDA

JOINT MEETING

REDEVELOPMENT AGENCY REGULAR MEETING

and

CITY COUNCIL SPECIAL MEETING

7:00 P.M.

A Special City Council Meeting Is Called at 7:00 P.M. for the Purpose of Conducting Closed Sessions and City Business.

Dennis Kennedy, Mayor

CALL TO ORDER

(Chairperson/Mayor Kennedy)

ROLL CALL ATTENDANCE

(Agency Secretary/City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Agency Secretary/City Clerk Torrez)

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

PROCLAMATION

2005 Overall Plant of the Year Award
South County Regional Wastewater Authority Reclamation Facility and Operations Management International, Inc.
Paul Roy, OMI, Inc.

Health Awareness
Mayor Kennedy

PRESENTATION

California Redevelopment Association Award of Excellence
Weston-Miles Architects

CITY COUNCIL COMMITTEE REPORTS

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

Redevelopment Agency Action

CONSENT CALENDAR:

- ITEM 1** The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Consent Calendar: 1 - 10 Minutes

Page

1. **FEBRUARY 2006 FINANCE AND INVESTMENT REPORT - RDA** 1
 Recommended Action(s): Accept and File.

City Council Action

CONSENT CALENDAR:

ITEMS 2-23

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
2.	<u>FEBRUARY 2006 FINANCE AND INVESTMENT REPORT - CITY</u>..... <u>Recommended Action(s): Accept and File.</u>	11
3.	<u>APPROVAL OF AMENDMENT TO COMMUNITY PARK MASTER PLAN AND ADOPTION OF</u> <u>MITIGATED NEGATIVE DECLARATION</u>..... <u>Recommended Action(s):</u> 1. <u>Approve</u> Amendment to Community Park Master Plan; and 2. <u>Adopt</u> Mitigated Negative Declaration.	37
4.	<u>INDOOR RECREATION CENTER PROJECT – FEBRUARY CONSTRUCTION PROGRESS</u> <u>REPORT</u>..... <u>Recommended Action(s): Information Only.</u>	41
5.	<u>SALE OF A BELOW MARKET RATE (BMR) PROPERTY – 15215 MONTICELLO WAY</u> <u>Recommended Action(s):</u> 1. <u>Authorize</u> the City Manager to Spend \$20,000 to Repair the BMR Residence at 15215 Monticello Way; and 2. <u>Authorize</u> the City Manager to do Everything Necessary and Appropriate to Prepare and Execute the Agreements Required to Sell the Unit to an Eligible BMR Buyer in an Amount not to Exceed \$191,900 in Accordance with the BMR Program Guidelines.	49
6.	<u>REQUEST FOR APPROPRIATION OF FUNDING FOR A JUNE 6, 2006 SPECIAL ELECTION;</u> <u>RECOGNIZE REVENUE SOURCE</u>..... <u>Recommended Action(s):</u> 1. <u>Appropriate</u> \$76,000 to Pay for the Costs Associated with a June 6, 2006 Special Election; and 2. <u>Recognize</u> \$5,000 in Revenue from the Morris Family, Owners of the Cochrane Plaza Shopping Center.	51
7.	<u>AWARD OF PROFESSIONAL SERVICES CONTRACT FOR THE DEVELOPMENT OF</u> <u>TRAFFIC SIGNAL TIMING INTERCONNECTION ON TENNANT AVENUE AND EAST</u> <u>DUNNE AVENUE</u> <u>Recommended Action(s): Authorize</u> the City Manager to Execute a Consultant Agreement with Fehr & Peers Transportation Consultants, for the Development of Traffic Signal Timing on Tennant Avenue and East Dunne Avenue, Subject to Review and Approval by the City Attorney, for a Not-To-Exceed Fee of \$36,510.	63
8.	<u>IRREVOCABLE OFFER OF DEDICATION FOR PORTION OF TRAIL DRIVE</u>..... <u>Recommended Action(s):</u> 1. <u>Adopt</u> Resolution Acknowledging and Deferring Acceptance of the Offer of Street Dedication for a Portion of Trail Drive; and 2. <u>Direct</u> the City Clerk to File a Certified Copy of the Resolution in the Office of the Recorder of Santa Clara County.	71

9. **AWARD OF PROFESSIONAL SERVICES CONTRACT TO PREPARE PLAN LINE FOR THE SOUTHERLY EXTENSION OF BUTTERFIELD BOULEVARD**..... 81
Recommended Action(s): Authorize the City Manager to Execute a Consultant Agreement to Prepare a Plan Line for the Southerly Extension of Butterfield Boulevard with MH Engineering; Subject to Review and Approval by the City Attorney.

10. **AWARD OF PROFESSIONAL SERVICES CONTRACT TO DESIGN A PORTION OF THE WEST LITTLE LLAGAS CREEK BIKE TRAIL** 89
Recommended Action(s): Authorize the City Manager to Execute a Consultant Agreement to Prepare Plans and Specifications for the Design of a Portion of the West Little Llagas Creek Bike Trail with Questa Engineering Corporation, Subject to Review and Approval by the City Attorney

11. **FINAL MAP APPROVAL FOR PEAR TREE ESTATES (TRACT 9641)** 99
Recommended Action(s):
 1. Approve the Final Map, Subdivision Agreement and Improvement Plans;
 2. Authorize the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
 3. Authorize the Recordation of the Map and the Subdivision Improvement Agreement, Following Recordation of the Development Improvement Agreement.

12. **ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR DEWITT-LATALA** 111
Recommended Action(s):
 1. Adopt the Resolution Accepting the Public Improvements for DeWitt-Latala; and
 2. Direct the City Clerk to File a Notice of Completion with the County Recorder's Office.

13. **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9478, MONTE VILLA PHASE III** 117
Recommended Action(s):
 1. Adopt Resolution Accepting the Subdivision Improvements Included in Tract 9478, Commonly Known as Monte Villa Phase III; and
 2. Direct the City Clerk to File a Notice of Completion with the County Recorder's Office.

14. **INDOOR RECREATION CENTER PROJECT – AUTHORIZE ADDITIONAL SERVICES FOR CONSTRUCTION CONSULTANT** 123
Recommended Action(s): Authorize the City Manager to Execute a First Amendment to the Professional Services Agreement with Biggs Cardosa Associates in the Amount of \$30,000, for a Total Fee Not to Exceed \$115,000; Subject to Review and Approval by the City Attorney.

15. **APPROVE CONSULTANT AGREEMENT FOR DESIGN OF TRUNK SEWER LINE #2 – PHASE 1** 125
Recommended Action(s): Authorize the City Manager to Execute a Consultant Agreement with Schaaf & Wheeler for the Design of a New Trunk Sewer Line #2 – Phase 1 for a Fee not to Exceed \$232,422.

16. **LOT LINE ADJUSTMENT PARCEL MAP APPROVAL FOR SUTTERHILL, LLC** 133
Recommended Action(s):
 1. Approve the Lot Line Adjustment Parcel Map, Including the Abandonment of a Water Line Easement and Sanitary Sewer Easement on the Property; and
 2. Authorize the Recordation of the Map.

17. **AWARD OF TENNANT AVENUE WIDENING PROJECT** 137
Recommended Action(s):
 1. **Appropriate** \$120,000 from the Current Year Un-Appropriated Traffic Impact Fee Fund Balance (309) into the Project Account (507B99); and
 2. **Award** Contract to Wattis Construction Company, Inc. for the Construction of the Tennant Avenue Widening Project in the Amount of \$656,335; and
 3. **Authorize** Expenditure of Construction Contingency Funds, Not to Exceed \$65,633.

18. **NEW POSITION – SENIOR BUSINESS ASSISTANCE AND HOUSING SERVICES (BAHS) COORDINATOR** 141
Recommended Action(s):
 1. **Approve** the Job Description and Salary Range for a New Position of Senior BAHS Coordinator; and
 2. **Adopt** the Resolution Amending the Management, Professional and Confidential Employees Resolution No. 5872 to Include the New Position and Salary Range of Senior BAHS Coordinator.

19. **RESOLUTION PROVIDING AMENDED SALARY RATES FOR RESERVE POLICE OFFICERS** 151
Recommended Action(s): **Adopt** Resolution Amending the Temporary/Seasonal Employee Resolution No. 5892 to Change the Salary Rates for Level I Reserve Police Officer and Level II Reserve Police Officer.

20. **FOURTH AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP** 155
Recommended Action(s): **Authorize** the City Manager to Execute a Fourth Amendment to Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP; Subject to Review and Approval by the City Attorney.

21. **AGREEMENTS WITH PACIFIC MUNICIPAL CONSULTANTS AND FRY’S ELECTRONICS REGARDING PREPARATION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT OR AN ADDENDUM TO THE ENVIRONMENTAL IMPACT REPORT FOR AN AMENDMENT TO A PLANNED UNIT DEVELOPMENT FOR THE AMERICAN INSTITUTE OF MATHEMATICS FACILITY** 171
Recommended Action(s): **Authorize** the City Manager to Execute an Agreement between the City of Morgan Hill and Pacific Municipal Consultants (PMC), and an Agreement between the City of Morgan Hill and Fry’s Electronics; Subject to Review and Approval by the City Attorney.

22. **STATUS REPORT ON AGREEMENT WITH THE YMCA OF SANTA CLARA VALLEY FOR OPERATING THE COMMUNITY RECREATION CENTER** 173
Recommended Action(s): **Accept** Report.

23. **AWARD OF DEPOT STREET UNDERGROUNDING UTILITIES PROJECT** 175
Recommended Action(s):
 1. **Award** Contract to West Valley Construction for the Construction of the Depot Street Undergrounding Utilities Project in the Amount of \$780,810, Subject to Review and Approval by the City Attorney; and
 2. **Authorize** Expenditure of Construction Contingency Funds, Not to Exceed \$78,081.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 24-26

	Time Estimate		Page
	Consent Calendar: 1 - 10 Minutes		
24.		<u>POLICY REGARDING CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING SCHEDULE</u>	179
		<u>Recommended Action(s): Adopt</u> Policy, if Deemed Appropriate.	
25.		<u>APPROVE JOINT REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF FEBRUARY 22, 2006</u>	183
26.		<u>APPROVE JOINT REGULAR AND SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF MARCH 1, 2006</u>	195

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
27.	10 Minutes	<u>ZONING AMENDMENT, ZAA-04-11: COCHRANE-TBI</u>	217
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Approve</u> Addendum to the Mitigated Negative Declaration. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance. Action- <u>Motion to Introduce</u> Ordinance by Title Only. (Roll Call Vote)	
28.	30 Minutes	<u>COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ANNUAL ALLOCATION (FY 2006-2007)</u>	253
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution for Appropriation of Fiscal Year 2006-2007 CDBG Funds; and Action- <u>Authorize</u> the City Manager to do Everything Necessary for the Implementation of the CDBG Program, Including Execution of all Required Contracts.	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
29.	10 Minutes	<u>COMMUNITY PARK IMPROVEMENTS PHASE 1 – APPROVE PARKS AND RECREATION COMMISSION RECOMMENDATION FOR ADDITIONAL FUNDING</u>	257
		<u>Recommended Action(s):</u> <u>Approve</u> the Parks and Recreation Commission’s Recommendation to Allocate Additional Funding of \$220,000 from the Unappropriated Park Maintenance Fund Balance, and \$414,300 from the Unappropriated Park Development Impact Fee Fund Balance to the Project to Complete the Phase 1 Improvements Consistent with the Community Park Master Plan.	
30.	5 Minutes	<u>OUTSIDE AGENCY ASSIGNMENTS</u>	271
		<u>Recommended Action(s):</u>	
		1. <u>Finalize</u> the Current List of Assignments and Appointments;	
		2. Mayor to <u>Appoint</u> Council Members to Outside Agencies, Subject to Council Approval; and	
		3. <u>Direct</u> the City Clerk to Notify the Appropriate Agencies of Remaining Assignments.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

Redevelopment Agency Action and City Council Action

CLOSED SESSION:

1.

CONFERENCE WITH LABOR NEGOTIATOR:

Authority: Government Code Section 54957.6

Agency Negotiators: City Manager; Human Resources Director

Employee Organizations: Morgan Hill Police Officers Association

Employees Covered under Management Resolution #5872, as amended

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

ADJOURNMENT

PUBLIC COMMENTS ON ITEMS NOT APPEARING ON AGENDA

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

NOTICE

AMERICANS WITH DISABILITIES ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.